REMARKS

The Office Action mailed July 11, 2008 has been carefully reviewed and the foregoing remarks have been made in consequence thereof.

Claims 1-22 are now pending in this application. Claims 1-8 and 20-22 stand rejected. Claims 9-19 are allowed.

The rejection of Claims 20-22 under 35 U.S.C. §112, as being indefinite is respectfully traversed.

Claim 20 has been amended to address the issues noted in the Office Action. As such, Applicants respectfully submit that Claim 20 satisfies the requirements of Section 112. Claims 21 and 22 depend from independent Claim 20. When the recitations of Claims 21 and 22 are considered in combination with the recitations of Claim 20, Applicants submit that dependent Claims 21 and 22 likewise comply with Section 112, second paragraph.

For at least the reasons set forth above, Applicants respectfully request that the Section 112, rejection of Claims 20-22 be withdrawn.

The rejection of Claims 20-22 under 35 U.S.C. § 102(b) as being anticipated by Blevins et al. (U.S. Patent 6,445,962) (hereinafter referred to as "Blevins") is respectfully traversed.

Blevins describes a method for controlling a process control network (10) using an auto-tuner. The method includes generating data using a PID function block (62) and collecting the data in a data collection unit (68). The data is analyzed by a process characteristic determining unit (69) for use in calculating process characteristics that are then transmitted to a tuning controller (71). Tuning controller (71) uses the process characteristics to auto-tune the process. Data captured from individual tuning elements is used to determine a tuning parameter for an individual device. Notably, Blevins does not describe nor suggest deriving quantity values for a process parameter associated with a first of a plurality of

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equipment combinations using a process parameter associated with at least a second of the equipment combinations.

Claim 20 recites a computer program embodied on a computer readable medium for monitoring a plant, wherein the plant includes a plurality of equipment combinations operating interactively with each other and with individual equipment, the program includes "a code segment that controls a computer that receives a plurality of process parameters from sensors operatively coupled to the equipment combinations and individual equipment and then . . . derives quantity values for at least one process parameter associated with at least a first of the equipment combinations using at least one process parameter associated with at least a second of the equipment combinations...."

Blevins does not describe nor suggest a computer program as is recited in Claim 20. More specifically, Blevins does not describe nor suggest a computer program that derives quantity values for a process parameter associated with a first of the equipment combinations using a process parameter associated with at least a second of the equipment combinations. Rather, in contrast to the present invention, Blevins describes individual tuning elements that transmit data to a tuning controller that determines tuning parameters for an individual device. Accordingly, for at least the reasons set forth above, Claim 20 is submitted to be patentable over Blevins.

Claims 21 and 22 depend from independent Claim 20. When the recitations of Claims 21 and 22 are considered in combination with the recitations of Claim 20, Applicants submit that dependent Claims 21 and 22 likewise are patentable over Blevins.

For the reasons set forth above, Applicants respectfully request that the Section 102(b) rejection of Claims 20-22 be withdrawn.

The rejection of Claims 1-8 under 35 U.S.C 103(a) as being unpatentable over Blevins in view of Kicinski et al. (U.S. Patent Number 6,405,139) (hereinafter referred to as "Kicinski") is respectfully traversed.

Blevins is described above.

Kicinski describes a monitoring system that includes a plurality of electronic devices (120) that each include a housing (62) filled with a potting material (158) to provide support, protection, and insulation for the interior hardware. A status of machinery (12) and plant assets (32) are monitored by a data acquisition system (100) that is coupled to a host computer system (110). Data acquisition system (100) monitors the status via signals generated from transducers (16) located in the monitored areas. Transducers (16) communicate to data acquisition system (100) via cables (18) coupled to an instrument package (20) and to data acquisition system (100) via conductors (24). Kicinski is merely cited for having a driver machine coupled in communication with a driven machine. Notably, Kicinski does not describe nor suggest determining a derived quantity from a measured process parameter associated with a first of a plurality of equipment combinations using a measured process parameter associated with at least a second of the equipment combinations.

Claim 1 recites a method for operating a facility having a plurality of equipment combinations, each equipment combination is operable interactively with at least one other equipment combination, wherein the method comprising "receiving a plurality of measured process parameters, in real-time, for each of the plurality of equipment combinations, wherein the equipment combinations include at least a driver machine and a driven machine . . . determining at least one derived quantity from at least one measured process parameter associated with at least a first of the equipment combinations using at least one measured process parameter associated with at least a second of the equipment combinations...."

No combination of Blevins and Kicinski describes nor suggests a method for operating a facility having a plurality of equipment combinations, as is recited in Claim 1. More specifically, no combination of Blevins and Kicinski describes nor suggests a method for operating a facility, wherein the method includes determining a derived quantity from a measured process parameter associated with a first of a plurality of equipment combinations using a measured process parameter associated with at least a second of the equipment combinations. Rather, in contrast to the present invention, Blevins describes individual tuning elements that transmit data to a tuning controller that determines tuning parameters for an individual device, and Kicinski is merely cited for having a driver machine coupled in

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communication with a driven machine. Accordingly, for at least the reasons set forth above, Claim 1 is submitted to be patentable over Blevins in view of Kicinski.

Claims 2-8 depend from independent Claim 1. When the recitations of Claims 2-8 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 2-8 likewise are patentable over Blevins in view of Kicinski.

In addition, Applicants respectfully submit that the Section 103 rejection of the presently pending claims is not a proper rejection. As is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or motivation supporting the combination. No combination of Blevins and Kicinski, describes nor suggests the claimed combination. Rather, only the conclusory statement that "[t]herefore, it would have been obvious that the substitution of one known element for another would have yielded predictable results to one of ordinary skill in the art at the time of the invention." suggests combining Blevins with Kicinski.

The United States Supreme Court has recently held that obviousness rejections must be supported with "articulated reasoning with some rational underpinning to support the conclusion of obviousness." See KSR International Co. v. Teleflex, Inc., slip Opinion at page 14. The present rejection does not appear to meet this standard as it reflects no articulate reasoning why the claims are believed to be obvious, but rather is merely stated in the form of a conclusion of obviousness. It is not believed that adequate reasons why the presently claimed invention is believed to be obvious have been provided on the present record.

Moreover, it is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the cited art using reconstruction to render the present invention obvious. The United States Supreme Court has recently expressed concern regarding distortion caused by hindsight bias in an obviousness analysis, and notes that factfinders should be cautious of arguments reliant upon ex post reasoning. See KSR International Co. v. Teleflex, Inc., slip Opinion at page 17. Further, it is impermissible to pick and choose from any one reference only so much of it as will support a given position, to the
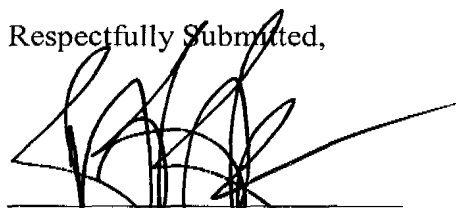
exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art. The present Section 103 rejection is based on a combination of teachings selected in an attempt to arrive at the claimed invention.

Since there is no teaching or suggestion in the cited art for the combination, the Section 103 rejection appears to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible, and for this reason alone, Applicants request that the Section 103 rejection be withdrawn.

For at least the reasons set forth above, Applicants respectfully request the Section 103 rejection of Claim 1-8 be withdrawn.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,

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